

State of Alabama |  
County of Cullington

**AFFIDAVIT**

My name is Roy Ezell and I reside at 21868 Wood Avenue in Florala, Alabama. I was the plant supervisor for several years and then was the manager for the last 15 years of operation of the Lockhart Lumber wood treatment facility in Lockhart, Alabama. The facility was first operated by Lockhart Lumber Company, but it was purchased in the late 1970s by TMA (now PACTIV). In the mid-1980s, TMA sold the facility to Louisiana-Pacific Corp. (L-P). Which currently has an office at the site of the old wood treatment operation.

The wood treatment facility was located on an approximate 40 acre site between the towns of Florala and Lockhart, Alabama. We cut and sold both finished and unfinished (rough sawn) lumber. Both treated and untreated. Some of the wood treatment process was under a roof, or in sort of a shed, but we were not an enclosed facility. We cut logs into lumber, or used a mechanical process to debark trees in order to make poles or fence posts. The rough lumber or poles and posts were put into a retort in order to treat the wood with chemicals under heat pressure. A retort resembles a

long pressure cooker laid on its side. The lumber or poles and posts were rolled inside the retort on carts and the doors were closed. The retorts were flooded with pressure treatment chemicals and heated with steam. We had boilers at the mill. These boilers produced steam to be used as an energy source, both to provide heat to the retorts at the wood treatment facility as well as the lumber drying kiln.

We used different wood treatment chemicals throughout the years. We started off with creosote, but in the late 1970s began using pentachlorophenol. We ceased using pentachlorophenol in mid-1980s and used CCA (chromium, cooper and arsenic) compound after that. We burned all of the waste of the creosote, the pentachlorophenol and the arsenic, all waste wood in the boiler for the entire time that I worked at the facility for over 30 years. We burned all of our waste for years and years. We just did what we had to do and we didn't have anything to do with the waste except to put it in the boiler. By put it in the boiler, I mean to put it in the fire to burn. Our boiler was not a hazardous waste incinerator.

We would frequently finish treated lumber that was processed with CCA treatment chemical by putting it through the planer mill. The planer mill consisted of rotating blades which cut or shaved the board to a smooth

and uniform size. Rough sawn lumber would also have rough edges and be subject to some shrinkage during the drying process. It was important that the final product be exactly proper length. Therefore, the lumber was always cut a little longer than required length. All lumber that was sold was cut to the proper length by cutting off the end of the boards, usually one to three inches. Finished treated lumber was cut to length just like any other lumber and the end cuts were placed in the scrap pile. ~~The scrap pile of end cuts would contain CCA treated lumber, as well as untreated lumber.~~ The planer shavings were burned in our boiler as boiler fuel. ~~The shavings from CCA treated lumber was not separated from the shavings of untreated lumber.~~ The planer shavings were burned at our boiler as boiler fuel, just like the end cuts. Each of the three boilers would produce approximately one wheelbarrow of ash waste per day a piece. The ashes from the boilers were scattered on the ground in the southern part of our mill property for the entire time that I worked for the mill.

At one point in time, we put a spray nozzle in the smokestack to burn the waste and wastewater. We sure did. And we took the wastewater and pumped it up to the boiler and up into the stack to deteriorate. To burn it up. Our supplier even furnished us a nozzle to spray the waste. It was

stainless steel so that it would not burn up. We pumped it up there, up the stack.

We also used a dehydration process on the big wood treatment chemical storage tanks, the penta tank and the creosote tank. I forgot and don't recall how many gallons it would hold, but the creosote tank was about 20 feet through it. After treatment, we had to get rid of the water that accumulated out of the hot steam in the cylinder and the sap water that was driven out of the wood when it was replaced by treatment chemicals. The treatment chemical tanks had a manhole in them and a six inch pipe in the center. We would weld steam pipes into the tank to keep the creosote and pentachlorophenol hot enough to boil the water out of the treatment chemicals. Water boils at lower temperature than the treatment chemicals so the treatment chemical vapor would ~~evaporate and~~ <sup>RE-</sup> go out the top. You could see the vapor escape and this was done 24 hours a day, seven days a week.

All lumber was cut to size, but there was not much waste on the round stock, such as telephone poles and posts. We would occasionally roust peel a piece of round stock, but that was very rare at the treatment plant. The bark and waste from lumber was also used for fuel to fire the boilers.

Sawdust was used to clean-up spills of treatment chemicals and then later put into the boiler after being saturated.

*R.E.*  
~~Occasionally we would cut some round stock to size for trim lumber, both treated and untreated. We would also have lumber break or be damaged, both treated and untreated. All broken pieces, but pieces, end pieces, sawdust and planings went to fire the boilers. We ultimately disposed of the wastewater in our treatment lagoons by putting it in the boiler smokestack to evaporate and also put the bottom of the lagoon sediment into the boiler.~~

We sold retail lumber, including treated lumber and posts, until a short period of time after L-P took over operation of the mill. *R.E.* ~~We sell end cuts to be used as firewood and continued selling the end cuts until the mill was shut down. Most of the end cuts would be untreated lumber, but CCA treated or treated lumber would not have been sorted from it. I do not remember ever selling any large pieces of treated lumber for use as firewood.~~

Several of the boys got with bad coughs and stuff, especially with the penta. Also, the creosote it would burn you and we would break out in blisters. We then started having people to die. My brother died, he ran the

treatment plan. Van Wagner ran the treatment plant, he died. This is over a couple of years now. Wayne Wise was there with my brother and he ran the treatment plant and he died. Toad Kelley was moved back out of the office and they put him out in the yard and he worked in the treatment plant and then he died. They all had cancers and they died. It was the ones who worked at the treatment plant.



\_\_\_\_\_  
ROY EZELL

Sworn to and subscribed before me this 16 day of April, 2006.



\_\_\_\_\_  
Wendy W. Cibini  
NOTARY PUBLIC

My Commission Expires: 9-13-08

45164.wpd